

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

**Hon'ble Member Mr. S.D. Jha, RERA, Bihar,**

RERA/EX./109/2024

RERA/CC/222/2023

Aditya Nath Thakur ..... Complainant

Vs.

M/s Arvina Construction Pvt. Ltd. .... Respondent

For the complainant: In person

For the Respondent: None

**Project:- DIVYANSHU ENCLAVE**

**ORDER**

**04.10.2024** Hearing taken up. The complainant appears in person. The respondent is absent.

The complainant submits that neither the principal amount nor the interest has been paid by the respondent so far and he requests that this matter may be referred to the Collector, Patna, under the PDR for recovery of the amount.

He further submits that this execution case has been filed for compliance of the order dated 13.12.2023 passed in RERA/CC/222/2023, in which the Authority had directed the respondent – company and its Directors to refund the principal amount of Rs.7,51,000/- to the complainant along with interest within sixty days of issue of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates of the State Bank of India on the date on which the amount becomes due till the date of payment but the respondent has failed to comply with the directions of the Authority till date.

Perused the record. It is evident that the respondent has failed to file any reply despite several opportunities provided by the Authority.

The Authority observes that despite knowledge of the order in the said complaint case, the respondent has

neither complied with the order nor has filed any reply. Hence, for equity and justice, the Authority is compelled to pass an order for the recovery of the said amount as the respondent cannot be allowed to prolong the matter indefinitely.

The Authority directs that in order to recover the amount of Rs.7,51,000/- as mentioned in the order dated 13.12.2023, a certificate of Public Demand Recovery be issued under Section 40(1) of the RERA Act, 2016 read with Rules 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017, and Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

In view of the continued non-compliance of the order of the Authority, a penalty of Rs.50,000/- was imposed on the respondent by the Authority under Section 63 of the RERA Act, 2016 vide proceeding dated 09.09.2024, which should be recovered through the certificate. Further, penalty of Rs.50,000/- is again imposed under section 63 of the RERA Act, 2016 today for non-compliance of the earlier proceeding dated 09.09.2024 and this amount should also be recovered through the certificate.

A copy of the order be sent to the Collector, Patna for recovery of the aforesaid amounts.

With the above directions and observation, this case is disposed of.

**Sd/-**  
**S.D. Jha,**  
**Member**